

Minutes
State Board of Health Meeting
April 21, 2006
Virginia Department of Health
James Madison Building, Richmond, VA.

Members Present: Dr. Jack Lanier, Chairman, Dr. Julie Beales, Scott Burnette, Dr. Jean Donovan, Dr. Barry Griffin, Kandy Elliott, Jim Edmondson, Dr. Craig Reed, Ed Spearbeck, Fred Hannett, Dr. Bennie Marshall

Members Absent: Dr. Dick Grinnan, Dr. Bhushan Pandya

Staff Present: Dr. Robert Stroube, State Health Commissioner; Dr. Jim Burns, Deputy Commissioner for Public Health; Jeff Lake, Deputy Commissioner for Community Health Services; Helen Tarantino, Deputy Commissioner for Administration; Joe Hilbert, Executive Advisor to the Commissioner; Martha Pulley, Policy Advisor; Rene Cabral-Daniels, Director, Office of Health Policy and Planning; Nancy Graham, Acting Director, Budget Services; Kelly Lobanov, Acting Public Relations Director; Catherine West, Administrative Assistant; Robin Kurz, Attorney General's Office; and Nelson Daniel, Attorney General's Office.

Others Present: The Honorable Marilyn Tavenner, Secretary of Health and Human Resources; Gail Jaspen, Deputy Secretary of Health and Human Resources; Rachael Harrell, Department of Planning and Budget; Juliana van Olphen Fehr, CNM, PhD, FACNM; James Hamilton, MD; Delores Flowers, MD; and Sharon Jdarnak.

I. Call to Order

The meeting convened at 9:00 a.m.

II. Approval of Minutes

The minutes from the February 3, 2006 Board meeting were approved unanimously, subject to the correction of one omission. The minutes failed to mention that the Board had appointed a Nominating Committee at the February meeting. VDH staff was instructed to correct that omission in the minutes.

III. Commissioner's Report

Dr. Stroube announced that Martha Pulley had joined VDH as a Policy Advisor in the Commissioner's Office, and that Chris Durrer had been hired as the new Director of the VDH Center for Quality Health Care Services and Consumer Protection. In addition, Dr. Alison Ansher has been hired as the Health Director of the Prince William Health District, and Dr. Grayson Miller has been hired as a medical consultant to assist Jeff Lake with the mentoring and training of new local health district directors.

Dr. Stroube announced the actual and/or pending departures of several local health district directors: Dr. Molly O'Dell (Roanoke), Dr. Susan McLeod (Thomas Jefferson) and Dr. Janice Carson (Richmond).

Dr. Stroube announced the departure of Jeff Caldwell, VDH's Public Relations Director, and stated that VDH is actively recruiting to fill that position.

Dr. Stroube informed the Board of the pending re-affiliation of the Richmond City Health Department with VDH effective July 1, 2006. Dr. Stroube explained that this change will not result in any real additional cost to the State. The city is incurring a one-time cost in allowing the employees to transition to the Virginia Retirement System.

Dr. Stroube advised the Board that pandemic flu preparedness and response is the dominant issue within VDH at the present time. Over 1,000 people attended VDH's pandemic flu summit. It was a very successful event, particularly due to the fact that VDH included a series of breakout planning sessions for relevant sectors (i.e., public schools, business, first responders, etc.) VDH's pandemic flu grant has been approved for \$2.3 million by the federal government. VDH has approximately 3,000 doses of anti-virals on hand, and is pursuing the procurement of even more. VDH is continuing to update the Governor's office on a weekly basis concerning pandemic flu response planning activities at the statewide and local levels. There was a discussion concerning how to maintain public interest in pandemic flu preparedness issues over the long term.

Dr. Stroube informed the Board that May 1 – May 5 has been designated Healthy America Week by the National Governor's Association (NGA). This is part of NGA's Healthy America Initiative, which is focused on promoting individual and community wellness in order to prevent chronic disease. VDH has been working with the Governor's Office to produce a series of Public Service Announcements featuring Thomas Jones, a professional football player and Virginia native, encouraging children to be physically active.

Dr. Stroube briefed the Board on the Accreditation of State and Local Health Departments project being conducted jointly by the Robert Wood Johnson Foundation (RWJ) and the U.S. Centers for Disease Control and Prevention (CDC). RWJ's reason for supporting this project is to clarify the public's expectations of health departments, recognize high performers that meet nationally accepted standards of quality and improvement, and increase the visibility and public awareness of governmental public health, leading to greater public trust, increased health department credibility, and ultimately a stronger constituency. There is currently no such accreditation process in place. Dr. Stroube serves on the national steering group guiding this effort, which is proceeding. Dr. Stroube explained that accreditation involves establishing standards and creating a body to administer those standards. State and local health departments could then apply for accreditation. Currently, the national steering group is working on a set of accreditation principles, not accreditation tasks. Issues surrounding accreditation are very controversial, because there is tremendous variation among local health departments, even more than there is among state health departments. Only about 13 states are similar to Virginia in that there is state control over local health departments. Dr. Stroube said the process which the task force has undertaken is not going to be easy and he is not sure it is going to be successful.

Recently, the Association of State and Territorial Health Officials (ASTHO) has also become involved, from the standpoint of wanting to determine what the average citizen should be expecting state health departments to do, as well as what they should expect from the state in terms of public health. ASHTO's research product is expected to be delivered by early fall. This project is also funded by the Robert Wood Johnson Foundation and CDC. Dr. Stroube explained that the Board should be interested in this effort, since it is the oversight body for Virginia's public health system.

There was considerable discussion concerning the issue of accreditation. Topics discussed included credentialing of the public health workforce, the accrediting organization, and the benefits of accreditation.

IV. Budget Update

Nancy Graham, Acting Budget Director, briefed the Board concerning the VDH budget. Nancy noted that finalizing the "Caboose Bill", which contains amendments for the FY06 State budget, is currently the top priority for the General Assembly. Nancy also told the Board that dental vans will be purchased by VDH using funds reappropriated from the prior fiscal year, as approved by the Department of Planning and Budget.

Dr. Stroube thanked Nancy for her service to VDH. He told the Board that, prior to the 2006 General Assembly Session, Nancy agreed to serve as Acting Budget Director, and performed exceptionally with only a minimal staff.

V. Health and Human Resources Priorities for 2006

Secretary of Health and Human Resources Marilyn Tavenner addressed the Board. The Secretary said that she recently met with Dr. Stroube in order to discuss health and human resources priorities for the Governor for the next four years.

Medicaid – The Secretary explained that everyone is waiting for a federal solution but there is none so states are setting forth on their own. Virginia's Medicaid reform efforts will be focused on disease management and long term care. Legislation enacted in 2006, patroned by Del. Hamilton, requires the establishment of a Medicaid Commission. DMAS will staff that effort.

The Secretary also mentioned that six PACE (Programs for All-Inclusive Care for the Elderly) are being approved, depending upon the outcome of the state budget. The State is also working to develop community homes to serve as an intermediate step between independent living and nursing homes.

Uninsured – Approximately 13 percent of Virginians are currently uninsured. The Secretary stated that the approach to expanding health insurance coverage recently enacted in Massachusetts would not be feasible in Virginia.

Promotion of Healthy Lifestyles – The Secretary credited VDH with leading the way in terms of prevention efforts focused on smoking, substance abuse, asthma, and obesity. The Secretary said that the amount of physical education provided in school is an issue and that the Department of Education needs to be involved.

Health Care Workforce – The State needs to undertake a comprehensive, strategic review of the issues.

Quality of Care – The Secretary stated that this was a key issue. A key question is how to measure quality. The Secretary told the Board that progress is being made in this area, as quality measurement models do exist.

There was considerable discussion between the Board members and the Secretary on topics including access to care, Medicare Part D and Dual Eligibles, Auxiliary Grant, health care information technology, mental health system, long term care, Medicaid dental program, and opportunities to work with the Department of Education in order to help promote healthy lifestyles.

The Secretary concluded her presentation by encouraging the Board members to provide her with feedback on any and all health care issues, including Medicaid.

VI. Legislative Update

Joe Hilbert briefed the Board on the outcome of 2006 legislation related to VDH.

VII. Chronic Disease Initiative Update

Joe Hilbert told the Board that VDH public relations staff were actively pitching the Board's draft op/ed piece to newspapers around the state.

The Board was also briefed on the results of VDH's staff analysis of test result data from 1999-2005 for the Virginia Wellness Related Fitness Test, which is administered to public school students on a voluntary basis. It was explained that among the four components of the test (upper body strength, abdominal strength, flexibility, and aerobic capacity) pass rates for the aerobic capacity component were consistently lowest for both boys and girls. In addition, there was a substantial decline in aerobic capacity pass rates among girls, beginning in eighth grade and continuing to 10th grade.

Joe briefed the Board on the National Governors Association (NGA) Healthy America Initiative, which seeks to promote personal and community wellness in order to prevent risk factors which lead to chronic disease. As part of this initiative, the NGA is implementing a Healthy States competitive grant program. The first round of grants will seek to promote workplace/community wellness. The second round of grants may focus on children. The Board was told that VDH intends to submit a grant proposal on behalf of Virginia. Mr. Burnette encouraged VDH to think in terms of partnering with local providers who are currently promoting healthy lifestyles.

VIII. Obstetrical Care Pilot Project Proposal

Jeff Lake introduced this agenda item, explaining that it was the result of HB2656 of the 2005 General Assembly Session, which sought to improve access to obstetrical (OB) care services in underserved areas of Virginia. HB2656 established a new model of providing OB services, and authorized the presentation to the Board of pilot project proposals utilizing this new model of care. Jeff explained that the legislation is permissive in nature, and that while Board approval is required for a pilot project to proceed, the Board is not required to approve any such proposal that it might receive. The Board was informed that it had the following options with respect to such proposals: Take No Action; Approve; Approve with Modification; Defer Action to a Future Board Meeting Pending Receipt of Additional Information; and Take Action to Not Approve.

The Board then received a presentation from the Family Maternity Centers of Virginia, a non-profit 501c3 organization created to establish two OB pilot projects, one in Emporia and the other on the Northern Neck. The individual presenters included Juliana van Olphen Fehr, CNM, PhD, FACNM; James Hamilton, MD; Delores Flowers, MD; and Sharon Jdarnak.

Upon hearing the proposal, there was considerable discussion on the part of the Board. The discussion focused on a wide variety of issues, including:

- The extent to which birthing centers exist in other states,
- Anticipated difficulties in recruiting nurse midwives,
- Required funding for each of the proposed birthing centers,
- Funding for start-up costs as opposed to operational expenses,
- Memoranda of Agreement with local hospitals,
- Provision of culturally sensitive services,
- Federally Qualified Health Center designations, and
- Liability protections and the Federal Tort Claims Act.

Dr. Donovan moved, and Dr. Griffin seconded, that the Board approve the pilot project proposal. After some discussion among the Board members, Dr. Donovan amended her motion, seconded by Dr. Griffin, that the Board approve the proposal contingent upon receiving evidence that all of the statutory requirements for approval have been completed and documented.

At this point, there was further discussion by the Board. Discussion points included the applicable time frame for the pilot project liability protections provided by the Federal Tort Claims Act and when those protections would become effective, and the funding source for the projects. Mr. Burnette stated that the Board was being asked to approve a proposal that doesn't currently satisfy all of the statutory requirements, and that the Board would not have an opportunity to review the complete proposal in advance.

Dr. Donovan withdrew her pending motion for the Board to approve the proposal contingent upon receiving evidence that all of the statutory requirements for approval have been completed and documented.

At 2:05 p.m., pursuant to § 2.2-3712 of the *Code of Virginia*, the Board of Health went into Executive Session for purposes for purposes of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

At 2:15 p.m. the Board of Health reconvened in an open meeting and certified that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting.

Dr. Lanier stated that there are certain statutory requirements that should and must be met prior to the Board's approval of the pilot project proposal. Dr. Lanier also told the representatives of Family Maternity Centers of Virginia that VDH will work with them to identify and specify the additional information items that must be submitted to the Board prior to its making a decision concerning the proposal.

IX. Minority Health Update

Rene Cabral-Daniels briefed the Board on the organization and activities of the VDH Office of Minority Health. There was a brief discussion of the history and current staffing of the Office of Minority Health.

X. Public Comment

No members of the public were present to provide comment to the Board.

XI. Final Amendments – Radiation Protection Regulations (12 VAC 5 – 480)

Dr. Susan Fischer Davis, Acting Deputy Director, Office of Epidemiology, presented the Final Amendments to the Board. The Final Amendments were approved unanimously.

XII. Nominating Committee Report

Mr. Burnette provided the Nominating Committee Report. The report recommended the following nominations for officers of the Board:

Dr. Jack Lanier – Chairman

Dr. Julie Beales – Vice Chairman

Dr. Craig Reed – Member of the Executive Committee

Mr. Jim Edmondson – Member of the Executive Committee.

The nominating committee report was approved unanimously.

XIII. Member Reports

Ed Spearbeck - Discussed the impending deadline for enrolling in Medicare Part D. He stated that there are two low cost Part D plans in Virginia.

Dr. Barry Griffin – Told the Board that members of the Virginia Dental Association have received national recognition for their provision of dental services to hurricane victims in the Gulf Coast region.

Dr. Julie Beales – No report provided.

Kandy Elliott - Discussed challenges posed by Medicare Part D, which she said was written without consideration of how it would affect nursing home residents. She also told the Board that the 2005 Deficit Reduction Act, and changes in Medicaid asset transfer rules, have placed nursing homes in the position of providing care for more people who may not be able to pay.

Dr. Craig Reed – Avian flu is the major issue for the veterinary community. Some flu deaths in Africa are being masked by AIDS and other disabling conditions. He told the Board that many veterinarians are in Alaska in order to monitor waterfowl migrating from Asia to North America. He expects to see avian flu in the U.S. by Fall 2006, if not before.

Dr. Reed expressed concern about VDH's ability to maintain public interest and attention concerning pandemic flu issues. He said that as the weather improves, public concerns about the flu evaporate. Dr. Reed reminded the Board that there was avian flu in the Shenandoah Valley in 1983-84, but at that time there was no concern about a human pandemic.

Dr. Reed also suggested that, in the future, lengthy regulatory items not be sent to the Board in advance but that, rather, an executive summary be provided.

Dr. Bennie Marshall – The Virginia Nurses Association supports the Board's chronic disease initiative. She also commented on the shortage of nurses. Dr. Marshall spoke to the Norfolk Department of Public Health as a representative of the Board during Public Health Week.

Fred Hannett – Commented on Virginia's recent Pandemic Flu Summit, and told the Board that U.S. Secretary of Health and Human Services Michael Leavitt was very impressed by VDH's organization and implementation of the summit. Mr. Hannett said that he participated in a roundtable discussion, sponsored by the U.S. Medicine Institute, on pandemic flu planning. A major item of discussion was determining who is in charge when an event occurs that crosses jurisdictional lines (i.e., in the National Capital Region).

Scott Burnette – Told the Board that the Virginia Hospital and Healthcare Association's priority this year will be pricing and quality transparency. A June planning meeting has been scheduled.

Jim Edmondson – He is representing the Board on the VDH State Medical Facilities Plan Advisory Committee. Mr. Edmondson stated that the first meeting of the committee had been productive. He requested a status report on VDH's State Planning Grant, which will be provided by staff.

Dr. Jack Lanier – Briefed the Board on numerous topics including homelessness in Richmond, access to care by the uninsured, chronic disease prevention, obesity, health disparities, and the impact of the “built environment” on public health. Dr. Lanier also told the Board that he has been working with 4th year medical students to improve their understanding of the state’s legislative and regulatory processes.

Dr. Jean Donovan – No report provided.

XIV. Other Business

Dr. Reed asked if the Board intended to recognize formally the service of the three Board members – Dr. Donovan, Dr. Griffin, and Dr. Grinnan – who will be leaving the Board effective June 30, 2006. It was agreed that they would be invited to a future meeting and presented with an appropriate Proclamation in recognition of their service.

Joe Hilbert reviewed plans for the July 28-29 Board meeting to be held in Bristol.

XV. The meeting adjourned at approximately 4:30 p.m.